

Owen, S.
PART 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GAS NATURAL
APROVISIONAMIENTOS
SDG, S.A.,

Case No.

ORDER

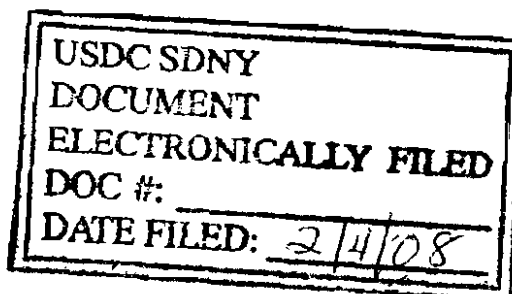
08 CV 1109

Petitioner,

-against-

ATLANTIC LNG COMPANY OF
TRINIDAD AND TOBAGO,

Respondent.



FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2008 FEB -4 PM 11:25
C.D. OF N.Y.

WHEREAS, GNA petitions this Court to recognize and enforce the binding Final Award unanimously rendered by a duly constituted Arbitral Tribunal on January 17, 2008 in the Matter of the UNCITRAL Arbitration between Atlantic LNG Company of Trinidad & Tobago ("Atlantic") and Gas Natural Aprovevisionamientos SDG, S.A. ("GNA") pursuant to the UNCITRAL Arbitration Rules (the "Award"); and

WHEREAS, the materials filed with the Petition for Order Recognizing and Enforcing Arbitration Award should be filed under seal for two independent but mutually compelling reasons. First, pursuant to Article 32(5) of the UNCITRAL Arbitration Rules (attached to the Skulnik declaration as Exhibit 1), the Award issued by the Arbitral Tribunal is confidential and may not be made public without the consent of both parties. UNCITRAL art. 32(5) ("The award may be made public only with the consent of both parties."). Atlantic has not agreed to make public the Award. Similarly, the Petition for

Order Recognizing and Enforcing Arbitration Award, together with this declaration and the exhibits thereto, should also be filed under seal because they are predicated on, and thus disclose information about, the Award; and

WHEREAS, Article 20 of the Contract (to be filed along with the Petition) provides that “the provisions of this Contract and all information or documents which come into the possession of the Parties in connection with the performance of this Contract may not be used or communicated to third parties without mutual agreement of the Parties.” Contract at p. 91. The arbitral proceedings were conducted pursuant to the Contract, and the Parties’ participation in it is part of their “performance of the Contract.” The Arbitral Tribunal agreed that the proceeding was confidential in Procedural Order No. 8 (to be filed along with the Petition), stating that “this arbitration is a confidential proceeding Accordingly, all materials filed with this Petition for Order Recognizing and Enforcing Arbitration Award, including the petition itself, should be filed under seal;

IT IS ORDERED THAT

1. Petitioner shall file with the clerk of the court the Petition and supporting declaration and exhibits (“the “Petition”) under seal only and in paper form in accordance with the instructions of the Clerk.
2. Petitioner shall serve the Petition on Respondent.

3. Any party seeking to file under seal or otherwise restrict access to documents (or any references to the content of such documents) other than the Petition, shall move for a protective order.

SO ORDERED:

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MIRIAM GOLDMAN CEDARBAUM
UNITED STATES DISTRICT JUDGE

Dated New York, New York
February 4, 2008

part 5